

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 291 - HB 1025**

March 10, 2013

**SUMMARY OF BILL:** Adds “criminal gang crimes” to the statement of legislative intent in Tenn. Code Ann. § 39-12-202, the “Racketeer Influenced and Corrupt Organization (RICO) Act of 1989.”

Lengthens the time that can elapse between incidents of racketeering conduct from two years to five years. Redefines “racketeering activity” to specifically list offenses that are meant to constitute a “criminal gang offense” under Tenn. Code Ann. § 39-12-203.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- The offenses specifically listed under the bill already constitute “criminal gang offenses” under Tenn. Code Ann. § 40-35-121. Listing those offenses in the RICO statute will not result in any additional admissions.
- According to statistics from the Department of Correction (DOC), there has not been any admission for racketeering influenced and corrupt organizations (RICO) violations in the past 10 years. According to the DOC, there have only been five convictions for RICO violations in the past 14 years, four in 1998 and one in 1999.
- It is assumed that adding trafficking for commercial sex acts, promoting prostitution, patronizing prostitution, solicitation of a minor, or soliciting sexual exploitation of a minor, and exploitation of a minor by electronic means to the list of criminal acts to the definition of “racketeering activity” and unlawful debt” will not result in any additional admissions for RICO violations.
- Given that the bill will not likely result in a significant increase in convictions, it is assumed that the courts, district attorneys, and public defenders can accommodate any impact within existing resources.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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